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Mayor Sam Liccardo Directs City Attorney to Explore Legal Action Against Union Pacific

Action follows attempts by Mayor and other city leaders to address noise and blight concerns raised by residents

San Jose, Calif. – In a [memorandum](#) released today, Mayor Sam Liccardo and Councilmembers Sergio Jimenez, Raul Peralez, Dev Davis, and Maya Esparza are calling on the City Attorney to explore legal action against Union Pacific Railroad (UPRR) in response to repeated noise and blight complaints raised by San Jose residents.

The memorandum also directs the City Manager to return to the City Council with a proposal to change the land use designation of the UPRR corridor to “public open space,” for the purpose of a future rail-to-trail conversion. Such a project would provide a recreational trail connecting the Guadalupe River Park with neighborhoods northeast of Downtown.

Complaints from residents in Downtown and neighborhoods surrounding UPRR infrastructure arose in the past year after UPRR shifted to nighttime hauling operations to cut costs. The change has led to loud and repeated blaring of train horns that disturb residents in Downtown neighborhoods, including Vendome, Hensley, Japantown, and all the way through South Bay Mobile Home Park. The memorandum comes after Mayor Liccardo and City officials made repeated, unsuccessful attempts to work with UPRR to address residents’ concerns.

“Union Pacific chose to burden our Downtown residents with nighttime operations to improve their own profits, and now conveniently proposes a ‘quiet zone’ option that will cost San Jose taxpayers millions of dollars in safety infrastructure, and may impose intolerable risks to human life,” said Mayor Sam Liccardo. “We must explore our legal options to respond to Union Pacific’s self-serving intransigence against the reasonable complaints of our densely populated downtown neighborhoods.”

In the memorandum, the Mayor and Councilmembers also raise concerns about UPRR’s failure to address blight and prevent trespassing on its rail lines. Over the course of three years, residents near Bassett Street complained on more than 60 occasions about noise and blight on the UPRR line. The company failed to respond in any meaningful way.

“It is imperative that we work to defend quality of life for residents of San Jose, and if it takes legal action against Union Pacific for this defense, we must explore that option,” said Councilmember Dev Davis.

“UPRR’s change of operation plan comes at a cost of the mental and physical well-being of our residents, families, and children, who are woken up daily in the middle of the night by the blaring sounds of UPRR’s trains. For this to become a new norm for our residents, is unacceptable,” said Councilmember Raul Peralez. “We have spearheaded several efforts over the years to work with UPRR and the FRA, and each time they have failed to come to the table with collaborative and effective solutions that will benefit our residents and communities. It is crucial that we continue to explore all avenues, including the establishment of a Quiet Zone and other regulations which will hold UPRR accountable for the hundreds of residents whose lives are being disrupted.”

“Enough is enough, my constituents need relief from the lack of consideration on the part of Union Pacific Railroad,” said Councilmember Maya Esparza. “If Union Pacific intends to hold on to vast tracks of land in our City, they must be held accountable and need to be good neighbors”

“I am committed to finding the resources and solutions necessary to keep San Jose streets clean and safe,” said Councilmember Sergio Jimenez. “Unfortunately, conditions along Union Pacific railways throughout the City have deteriorated the quality of life in San Jose, and UPRR’s blatant disregard for the health and well-being of our residents is unacceptable. We have tried to address these issues diplomatically, but UPRR has demonstrated time and again that they are not good neighbors and that their first priority is transportation and commerce, even at the expense of neighboring communities. My residents and I are frustrated, and we can no longer tolerate the status quo when it comes to UPRR.”

Mayor Liccardo and Councilmember Peralez will attend a community meeting next Wednesday, June 5, 2019 at Northside Community Center from 6:30 p.m. to 8:00 p.m. to get input from residents. Union Pacific Railroad representatives will be in attendance.

[Read the Mayor and Councilmembers’ memorandum in full.](#)

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